

IN RE: Benjamin H. Denton)
Map 044-15-0, Parcel 32.00) Davidson County
Residential Property)
Tax Year 2006)

Statement of the Case

<u>LAND VALUE</u>	<u>IMPROVEMENT VALUE</u>	<u>TOTAL VALUE</u>	<u>ASSESSMENT</u>
\$ 18,000	\$54,200	\$72,200	\$18,050

This matter was reviewed by the undersigned administrative law judge pursuant to Tennessee Code Annotated (T.C.A.) §§ 67-5-1412, 67-5-1501 and 67-5-1505. This hearing was conducted on October 11, 2006, at the State Department of Revenue in Davidson County; present at the hearing were Benjamin Denton and Mr. Jason Poling, Residential Appraiser, Division of Assessments for the Metro. Property Assessor.

Subject property consists of a single family residence located at 709 Hadley Avenue in Old Hickory, Tennessee.

The taxpayer contends that the property is worth \$65,000 based upon an appraisal he had completed on the home.¹ Mr. Denton also contends that the home has a small outdated kitchen, the cabinets are sixty (60) years old, the home has wall heaters that are not functional², and carpet that has worn thin in some places. Mr. Denton stated that the home was built in 1927; the appeal form indicates that Mr. Denton acquired the home in June of 2006. The County questions whether the acquisition was an arm's length transaction and have it listed as an estate sale and therefore would not consider this a qualified transaction to have the sales price as valid evidence of market value.³

The assessor contends that based on the comparable sales approach analysis that the property should be valued at \$90,500.⁴ In support of this position, three (3)

⁴ This figure is higher than the MBOE figures and the County has not requested an increase.

comparable sales were introduced and are marked as collective exhibit number two and are part of the record in this cause.

The germane issue is the value of the property as of January 1, 2005. The basis of valuation as stated in T.C.A. § 67-5-601(a) is that “[t]he value of all property shall be ascertained from the evidence of its sound, intrinsic and immediate value, for purposes of sale between a willing seller and a willing buyer without consideration of speculative values”

With respect to the issue of market value, the administrative judge finds that Mr. Denton simply introduced insufficient evidence to affirmatively establish the market value of subject property as of January 1, 2006, the relevant assessment date pursuant to Tenn. Code Ann. § 67-5-504(a).

After having reviewed all the evidence in this case, the administrative judge finds that the subject property should be valued at \$72,200 based upon the presumption of correctness attaching to the decision of the Davidson County Board of Equalization.

Since the taxpayer is appealing from the determination of the Davidson County Board of Equalization, the burden of proof is on the taxpayer. See State Board of Equalization Rule 0600-1-.11(1) and *Big Fork Mining Company v. Tennessee Water Control Board*, 620 S.W. 2d 515 (Tenn.App. 1981).

ORDER

It is therefore ORDERED that the following value and assessment be adopted for tax year 2006:

<u>LAND VALUE</u>	<u>IMPROVEMENT VALUE</u>	<u>TOTAL VALUE</u>	<u>ASSESSMENT</u>
\$18,000	\$54,200	\$72,200	\$18,050

It is FURTHER ORDERED that any applicable hearing costs be assessed pursuant to Tenn. Code Ann. § 67-5-1501(d) and State Board of Equalization Rule 0600-1-.17.

Pursuant to the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-301—325, Tenn. Code Ann. § 67-5-1501, and the Rules of Contested Case Procedure of the State Board of Equalization, the parties are advised of the following remedies:

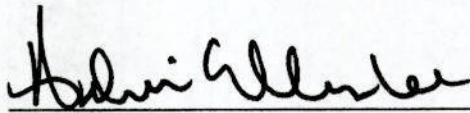
1. A party may appeal this decision and order to the Assessment Appeals Commission pursuant to Tenn. Code Ann. § 67-5-1501 and Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization. Tennessee Code Annotated § 67-5-1501(c) provides that an appeal **“must be filed within thirty (30) days from the date the initial decision is sent.”** Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization provides that the appeal be filed with the Executive Secretary of the State Board and that the appeal **“identify the allegedly erroneous finding(s) of fact and/or conclusion(s) of law in the initial order”**; or

2. A party may petition for reconsideration of this decision and order pursuant to Tenn. Code Ann. § 4-5-317 within fifteen (15) days of the entry of the order. The petition for reconsideration must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking administrative or judicial review; or

3. A party may petition for a stay of effectiveness of this decision and order pursuant to Tenn. Code Ann. § 4-5-316 within seven (7) days of the entry of the order.

This order does not become final until an official certificate is issued by the Assessment Appeals Commission. Official certificates are normally issued seventy-five (75) days after the entry of the initial decision and order if no party has appealed.

ENTERED this 26th day of October, 2006.



ANDREI ELLEN LEE
ADMINISTRATIVE JUDGE
TENNESSEE DEPARTMENT OF TENNESSEE
ADMINISTRATIVE PROCEDURES DIVISION

c: Mr. Benjamin H. Denton
Jo Ann North, Assessor of Property